

# EXHIBIT 9

COPY

1

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE SOUTHERN DISTRICT OF NEW YORK

3 -----x  
4 SIRI DIAZ, CAROLYN SIEGEL, TALIA BUMB, BLERTA  
VIKKI, DANIELLE OWIMRIN, SUSAN LEVIN, on behalf  
of themselves and others similarly situated,

5 Plaintiffs,

6 -against-

7 SCORES HOLDING COMPANY, INC.; GO WEST  
8 ENTERTAINMENT, INC. a/k/a SCORES WEST SIDE;  
9 SCORES ENTERTAINMENT, INC., a/k/a SCORES EAST  
SIDE; ENTERTAINMENT MANAGEMENT SERVICES, INC.;  
and EAST 60th STREET, INC. a/k/a SCORES EAST  
10 SIDE,

11 Defendants.

12 CIVIL ACTION NO.: 07 Civ. 8718 (RMB)

13 -----x  
200 Park Avenue  
New York, New York

14  
15 April 3, 2008  
16 12:45 p.m.

17 DEPOSITION of SIRI DIAZ, one of the  
18 Plaintiffs herein, pursuant to Notice, before  
19 Ronald A. Marx, a Notary Public of the State of  
20 New York.

21  
22  
23 ELLEN GRAUER COURT REPORTING CO. LLC  
24 126 East 56th Street, Fifth Floor  
New York, New York 10022  
25 212-750-6434  
REF: 87181

1 A P P E A R A N C E S:

2  
3 OUTTEN & GOLDEN LLP

4 Attorneys for Plaintiff

5 3 Park Avenue

6 New York, New York 10016

7 BY: ALLEGRA FISHEL, ESQ., ESQ.

8 PHONE 212.245-1000

9 FAX 212.977.4005

10 E-MAIL afishel@outtengolden.com

11  
12  
13 GREENBERG TRAURIG, LLP

14 Attorneys for Defendant

15 Met Life Building

16 200 Park Avenue

17 New York, New York 10166

18 BY: ERIC B. SIGDA, ESQ.

19 PHONE 212.801.9386

20 FAX 212.805.9386

21 E-MAIL sigdae@gtlaw.com

22  
23  
24  
25

1 DIAZ

2 Q How many different kinds of stockings  
3 do you think you bought?

4 A I don't remember.

5 Q Could you choose the kind of  
6 stockings, fishnets, regular, whatever, that you  
7 could wear there?

8 A I suppose so.

9 Q How did you obtain the boots?

10 A I already had them.

11 Q What kind of boots were they?

12 A Just regular knee-highs, winter  
13 boots.

14 Q I didn't hear.

15 A Winter boots.

16 Q What color were they?

17 A Black.

18 Q How long had you had the boots before  
19 you started working at Scores West Side?

20 A I don't know. I'm not sure. Maybe a  
21 year.

22 Q Do you still have the boots?

23 A Yes.

24 Q Do you still wear the boots?

25 A Sporadically.

1 DIAZ

2 A Magdy.

3 Q Magdy. Did you have to pay Magdy or  
4 pay anybody?

5 A I'm not sure if I paid.

6 Q Did all the bartenders -- withdrawn.  
7 Were all the bartenders female?

8 A Yes.

9 Q Did all the bartenders wear a similar  
10 corset and skirt to the one that you wore?

11 A Yes.

12 Q Did you wear your work outfit to  
13 work, or did you change at Scores West Side?

14 A I changed at Scores.

15 Q Did all of the bartenders change, or  
16 did some of them come to work in their work  
17 outfit?

18 A To my knowledge all of them changed.

19 Q Did the waitresses wear similar work  
20 outfits?

21 A Yes.

22 Q How many waitresses were there, do  
23 you think?

24 A Up to 20, I believe. There was a  
25 lot.

1 DIAZ

2 A No.

3 Q Did you serve food at the bar as  
4 well?

5 A Occasionally.

6 Q Could a customer pay for food with  
7 diamond dollars?

8 A No.

9 Q Was a customer supposed to tip you  
10 with diamond dollars?

11 A If they chose to.

12 Q Were you often tipped in diamond  
13 dollars?

14 A Pretty frequently, yes.

15 Q Every time you worked were you tipped  
16 in diamond dollars?

17 A I wouldn't say every time.  
18 Sometimes.

19 Q Do you think it happened on more than  
20 five occasions?

21 A Yes.

22 Q What's the largest tip you ever  
23 received in diamond dollars?

24 A That I can remember, it was 80.

25 Q And the lowest tip you would have

1 DIAZ

2 dollars?

3 A No.

4 Q Did you cash all your diamond dollars  
5 in?

6 A I think I did.

7 Q The tip box for bartenders, lock box,  
8 was that used by you and the other bartenders  
9 working in the main bar?

10 A The two of us, yes.

11 Q And the bartender at the restaurant  
12 bar would not have been using that lock box,  
13 correct?

14 A No.

15 THE WITNESS: Can I run to the  
16 bathroom again?

17 MR. SIGDA: Yes. Of course.

18 THE WITNESS: Thank you.

19 (Recess taken)

20 CONTINUED DIRECT EXAMINATION BY MR. SIDGA:

21 Q I'm going to show you a pay stub, but  
22 before I go there, going to the diamond dollars,  
23 I take it you cashed in all your diamond dollars  
24 that you had received?

25 A I think so, yes.

1 DIAZ

2 your pay check?

3 A When they were starting to put the  
4 credit card tips on the credit -- on the pay  
5 stubs. For the most part we all did.

6 Q What kind of questions did you have?

7 A I'm never really sure if I asked  
8 anyone. So -- I don't really remember the  
9 situation. I remember -- well, for -- sometimes  
10 I went to see why my check was zero.

11 Q Sometimes you went to see what?

12 A Why my check said zero if I had  
13 credit card tips.

14 Q Who did you speak to about that?

15 A I don't remember who I spoke to, but  
16 it might have been Tony, and I was told that it  
17 was going towards taxes.

18 Q Okay. Do you recall if you asked  
19 anybody else any questions about your pay check  
20 or pay stub?

21 A No.

22 Q Besides the time that you mentioned  
23 earlier in which you received a thousand dollars  
24 in your pay check, was there ever a time when  
25 you brought to a manager's attention that the



1 DIAZ

2 check was in error, that the check was  
3 incorrect?

4 A I may have when they first started  
5 doing the credit card tips.

6 Q What do you recall about that?

7 A Well, again, questioning why it was  
8 zero when I had -- I had credit card tips.

9 Q Did you ever ask anybody in  
10 management or say to somebody in management that  
11 they credited you with the wrong hours?

12 A No.

13 Q Did you ever ask anybody in  
14 management or say to anybody in management that  
15 the amount of the pay check was incorrect?

16 A That's the time that it was a  
17 thousand dollars.

18 Q Other than that time.

19 A Again, when I had credit card tip  
20 money and they said zero.

21 MR. SIGDA: Let's mark this as  
22 Diaz Number 7.

23 (Diaz Exhibit 7, pay stub, was  
24 marked for identification, as of this  
25 date.)

1 DIAZ

2 Q Do you have any idea how they run  
3 Scores East Side?

4 A No.

5 Q Have you been in contact with anybody  
6 or -- withdrawn.

7 A Can I clarify something?

8 Q Hold on. You said you wanted to  
9 clarify something?

10 A I don't remember if I sent a MySpace  
11 message.

12 Q I'm sorry?

13 A I don't remember if I might have sent  
14 a MySpace message to Brianna, who used to work  
15 there, to see how she was doing.

16 Q I'm sorry. I didn't hear you.

17 A I may have sent a MySpace message, so  
18 I guess that's a form of an e-mail, to Brianna  
19 to see how she was doing, because she moved.

20 Q Who is Brianna?

21 A She's used to be a bartender there.

22 MR. SIGDA: Off the record.

23 (Discussion off the record.)

24 Q What is a MySpace message?

25 A It's --